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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

MAR - 6 2000

CARL J. KUNASEK
CHAIRMAN

JIM IRVIN
COMMISSIONER

WILLIAM A. MUNDELL
COMMISSIONER

DOCKETED BY

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IN THE MATTER OF THE APPLICATION OF
TELSTAR TELECOM COMPANY, LLC FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE LOCAL
EXCHANGE SERVICES AS A RESELLER.

DOCKET NO. T-03570A-98-0313

DECISION NO. 62359

ORDER

Open Meeting
March 1 and 2, 2000
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the
Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. On June 16, 1998, Telstar Telecom Company, LLC ("Applicant") filed with the
Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience
and Necessity ("Certificate") to provide local exchange telecommunications services as a reseller
within the State of Arizona.

2. In Decision No. 58926 (December 22, 1994), the Commission found that resold
telecommunications providers ("resellers") were public service corporations subject to the
jurisdiction of the Commission.

3. In Decision No. 59124 (June 23, 1995), the Commission adopted A.A.C. R14-2-1101
through R14-2-1115 to regulate resellers.

4. Applicant is an Arizona limited liability company, registered to do business in
Arizona since 1998.

5. On July 21, 1999, the Commission granted intervention to US West

Communications, Inc.

1 6. On August 20, 1999, the Commission's Utilities Division Staff ("Staff") filed a Staff
2 Report.

3 7. In the Staff Report, Staff recommended that the application be denied because
4 Applicant had failed to respond to Staff's data requests.

5 10. Applicant has not filed for Commission approval of a resale agreement with an
6 underlying incumbent local exchange carrier.

7 11. By Procedural Order dated October 4, 1999, the Commission set a deadline of
8 November 19, 1999, for filing exceptions to the Staff Report; requesting that a hearing be set;
9 requesting intervention as interested parties and filing proof of publication. Pursuant to the October
10 4, 1999 Procedural Order, Applicant was to provide notice of the application to designated interested
11 parties and to publish notice pursuant to A.A.C. R14-2-1104.

12 12. The October 4, 1999 Procedural Order mailed to Applicant was returned for lack of
13 a forwarding address.

14 13. No exceptions were filed to the Staff Report, nor did any party request that a hearing
15 be set.

16 14. Applicant has not filed proof of publication pursuant to A.A.C. R14-2-1104, nor has
17 Applicant filed proof that notice was sent to interested parties as required in the October 4, 1999
18 Procedural Order.

19 **CONCLUSIONS OF LAW**

20 1. Applicant is a public service corporation within the meaning of Article XV of the
21 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

22 2. The Commission has jurisdiction over Applicant and the subject matter of the
23 application.

24 3. Notice of the application was not given in accordance with the law.

25 4. For its failure to provide current information and to adhere to Commission rules and
26 regulations and the requirements of the October 4, 1999 Procedural Order, Applicant is not a fit and
27 proper entity to receive a Certificate for providing competitive local exchange services as a reseller
28

1 in Arizona.

2 **ORDER**

3 IT IS THEREFORE ORDERED that the Application of Telstar Telecom Company LLC
4 for a Certificate of Convenience and Necessity for authority to provide competitive resold local
5 exchange services shall be, and the same is hereby denied, and the Docket closed.

6 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

7 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

8 
9 CHAIRMAN  COMMISSIONER  COMMISSIONER

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11 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
12 Secretary of the Arizona Corporation Commission, have hereunto
13 set my hand and caused the official seal of the Commission to be
14 affixed at the Capitol, in the City of Phoenix, this 6th day of
15 March, 2000.

16 
17 BRIAN C. McNEIL
18 EXECUTIVE SECRETARY

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DISSENT _____
JR:DAP

1 SERVICE LIST FOR:

TELSTAR TELECOM COMPANY, LLC

2 DOCKET NO.

T-03570A-98-0313

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